IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.2063 OF 2007

Mahesh Dattatray Patil ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.S.V.Gavand Advocate for applicant
Mrs.A.S.Pai A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 26, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No. 31 of 2007 of DCB CID, Unit No.VII, Ghatkopar, Mumbai. The said case has arisen from C.R.No.100 of 2007 of Navghar Police Station. The said case is mainly under Section 326 of IPC.

3. It is the prosecution case that the applicant along with about 15 other persons assaulted the complainant and two others. The complainant is an injured witness. He has not named the applicant

but he has stated that about 10 to 15 persons assaulted him.

4. The learned A.P.P. states that the co-accused who have been arrested, have stated that the applicant was one of the assailants. Looking to the facts of this case, I am of the opinion that the following order should meet the ends of justice:

(i) The applicant shall report to the Investigating Agency from 29.6.2007 to 10.7.2007 from 10 a.m. to 5 p.m.

(ii) The Investigating Agency to get identification parade of the applicant conducted in the aforesaid period.

(iii) The applicant shall cooperate with the investigation.

(iv) In the meantime, in the event of arrest, the applicant-Mahesh Dattatray Patil to be released on bail in the sum of Rs.10,000/- (Rs.ten thousand only) with one surety in the like amount.

(v) The applicant is granted liberty to prefer a fresh application for anticipatory before the concerned Sessions Court after the identification parade of the applicant is conducted.

(vi) If such application is preferred, the learned Sessions Judge shall hear and dispose it of on merits without being influenced by the earlier order dated 21.6.2007.

(vii) Application is disposed of.

[SMT.V.K.TAHILRAMANI, J.]